

USA V. MAHON - CR 09-712-PHX-DGC

STATUS OF DEFENSE REQUEST FOR DISCLOSURE AND GOVERNMENT'S RESPONSE PURSUANT TO  
CASE MANAGEMENT ORDER NO. 5. DATED 06/29/2010

#	DEFENSE REQUEST	GOVERNMENT'S RESPONSE	BASIS FOR REQUEST	BASIS FOR NON-DISCLOSURE
01	ATF mockup bomb	Set for August 30 9:30AM	Rule 16(a)(1)(E) *	
02	Lab case files and electronic data collected by all labs that conducted DNA testing	Disclosed.	Rule 16(a)(1)(F) **	
03	Lab protocols in use at the time of the DNA testing	Not in the government's possession. (Unknown if defense wants to independently order.)	Rule 16(a)(1)(F)	
04	Lab contamination discrepancy logs covering at least a period of plus and minus one month of any DNA testing conducted.	Disclosed. (Per lab, if it exists, it is in the disclosure.)	Rule 16(a)(1)(F)	
06	ATF Agent Bille's curriculum vitae and reports (expert disclosure and bates 1070).	Disclosure dates, including Defense Rule 16(b)(1)(C) duty, to be set by Court.	Rule 16(a)(1)(F) and (G)	
07	Any and all DNA reports comparing law enforcement and others (bates 1070).	Disclosed.	Rule 16(a)(1)(F)	
08	Personal phone numbers, texts and emails used by CI 986/946 for the time period 1/05 thru 7/09.	Not material. Government has disclosed all phone calls and toll records of CI to Defendants.	Rule 16(a)(1)(E)	
09	Reward flyer sent out with City of Scottsdale water bills in 5/04.	Not in the possession of the government.	Rule 16(a)(1)(E)	
10	Henthorn materials	Will disclose 21 days prior to trial.	Henthorn	
11	ATF ROI #78	Government has reviewed these ROIs. They do not fall under Rule 16, Henthorn, Giglio, or Brady. No good cause basis for court review.	The following ROIs represent gaps in the sequence of ROIs disclosed to the defense. The government has indicated it has purposely withheld these ROIs. The defense requests Court review pursuant to Rule 16(d)(1).	
12	ATF ROI #83	"	"	
13	ATF ROI #213	"	"	
14	ATF ROI #239	"	"	
15	ATF ROI #252	"	"	

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16	ATF ROI #253	"	"	
17	ATF ROI #254	"	"	
18	ATF ROI #255	"	"	
19	ATF ROI #264	"	"	
20	ATF ROI #265	"	"	
21	ATF ROI #266	"	"	
22	ATF ROI #267	"	"	
23	ATF ROI #268	"	"	
24	ATF ROI #274	"	"	
25	ATF ROI #275	"	"	
26	ATF ROI #284	"	"	
27	ATF ROI #285	"	"	
28	ATF ROI #286	"	"	
29	ATF ROI #290	"	"	
30	ATF ROI #292	"	"	
31	ATF ROI #293	"	"	
32	ATF ROI #296	"	"	
33	ATF ROI #298	"	"	
34	ATF ROI #299	"	"	
35	ATF ROI #302	"	"	
36	ATF ROI #303	"	"	
37	ATF ROI #304	"	"	
38	ATF ROI #306	"	"	
39	ATF ROI #308 (Referenced in ATF ROI #324; suggests statement by Dennis re bombing motive.)	"	Brady v. Md.; Rule 16(a)(1)(B)	
40	ATF ROI #311	"	"	
41	ATF ROI #313	"	"	
42	ATF ROI #314	"	"	
43	ATF ROI #316	"	"	

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44	ATF ROI #318	"	"	
45	ATF ROI #319	"	"	
46	ATF ROI #322	"	"	
47	ATF ROI #323	"	"	
48	ATF ROI #325	"	"	
49	ATF ROI #326	"	"	
50	ATF ROI #327	"	"	
51	Polygraph reports for all City of Scottsdale graphic design, copy center and mail room employees:	Complete Scottsdale PD file delivered to defense per subpoena. Not in possession of the Govt.	Rule 16(a)(1)(E) and (F); US v. Stever.	
a.	Richard Brown	"	Rule 16(a)(1)(E) and (F); Stever.	
b.	Dale Hughes	"	Rule 16(a)(1)(E) and (F); Stever.	
c.	Mike Lukowski	"	Rule 16(a)(1)(E) and (F); Stever.	
d.	Michael Saavedra	"	Rule 16(a)(1)(E) and (F); Stever.	
e.	Ron Strayer	"	Rule 16(a)(1)(E) and (F); Stever.	
f.	Ron Tatum	"	Rule 16(a)(1)(E) and (F); Stever.	
g.	Bonnie Trader	"	Rule 16(a)(1)(E) and (F); Stever.	
52	ATF Confidential Informant file for CI 986/946 including written or oral contracts, letters or agreements with the ATF to act as a confidential informant	Will disclose 21 days prior to trial. (Defendant has already discovered CI name and address.)	Brady; Rule 16(a)(1)(E)	
53	CI 986/946's written or oral contracts, letters or agreements with any other federal or state agency or United States Attorney	Do not exist.	Brady; Rule 16(a)(1)(E)	
54	Any and all records of the names, case numbers or location of state or federal prosecutions in which CI 986/946 has acted as or testified as an informant	Do not exist.	Brady; Rule 16(a)(1)(E)	

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55	Any and all records of all known violations of CI 986/946's agreement with ATF including acts of drug use, alcohol use, sale/purchase of drugs, acts of violence	None known. If any, will disclose with CI file.	Brady; Rule 16(a)(1)(E)	
56	Documents re any consideration monetary or other benefits bargained for or paid to CI 986/946 by any federal or state agencies for her employment as an informant including dates and amounts	Will disclose with CI file.	Brady; Rule 16(a)(1)(E)	
57	Criminal history and convictions for CI 986/946	None known.	Brady; Rule 16(a)(1)(E)	
58	USPS Memorandum of Investigation documenting the interview(s) of Joe Mardeusz (evidenced in Don Logan's pre-polygraph interview)	Entire Postal file disclosed to defense. Not in the government's possession. Unknown if this existed.	Brady; Stever	
59	USPS Memorandum of Investigation documenting the interview(s) of Steve Anderson	Entire Postal file disclosed to defense. Not in the government's possession. Unknown if this existed.	Brady; Stever	
60	ATF Report of Investigation documenting the interview(s) of Julia Angelica	Does not exist.	Brady	
61	ATF Confidential Informant file for CI 1149 including written or oral contracts, letters or agreements with the ATF to act as a confidential informant	Will disclose 21 days prior to trial. Not a trial witness, government will not disclose her name or address.	Brady; Rule 16(a)(1)(E)	
62	Any and all notes and reports from all interviews conducted of Don Logan	Disclosed.	Brady	
63	Investigative notes and reports including video captured from pole camera set up at Steve Anderson's residence on 4/12/04	Not in the government's possession. Unknown if this existed.	Stever; Rule 16(a)(1)(E)	

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64	USPS Memoranda of Investigation (2) documenting contacts with Raymond Fuller, Records Management Supervisor, ASRS USPS disclosure	Entire Postal file disclosed to defense. Not in the government's possession. Unknown if this existed.	Brady	
65	USPS Memorandum of Investigation documenting contacts with Anthony Guarino, Deputy Director, ASRS	Entire Postal file disclosed to defense. Not in the government's possession. Unknown if this existed.	Brady	
66	USPS Memorandum of Investigation documenting contacts with Gayle Norman, Executive Assistant, ASRS	Entire Postal file disclosed to defense. Not in the government's possession. Unknown if this existed.	Brady	
67	USPS Memorandum of Investigation documenting contacts with Kent Smith, Assistant Director, ASRS		Brady	
68	USPS Memorandum of Investigation documenting contacts with Robert Wittsell, Procurement & Asset Services Manager, ASRS	Entire Postal file disclosed to defense. Not in the government's possession. Unknown if this existed.	Brady	
69	All investigations of Richard Garrett, City of Scottsdale Library custodian (former employee)	Entire Postal file disclosed to defense. Not in the government's possession. Unknown if this existed.	Brady; Stever	
70	Copy of Steve Anderson's Psychiatrist report provided by Cherri Scott, Asst. City Attorney to USPS Inspector MOI, March 10, 2004	Not in the government's possession. Unknown if this exists.	Stever	
71	Medical records of Don Logan	Entire Postal file disclosed to defense. Not in the government's possession. Unknown if this exists.	Rule 16(a)(1)(E)	
72	Medical records of Renita Linyard	Not in governments possession.	Rule 16(a)(1)(E).	
73	BLANK			
74	Copy of Exhibit Q-142 (EnCase image of computer harddrive, Tom McMahon)	Disclosed.	Rule 16(a)(1)(E) ***	
75	Copy of Exhibit Q-143 (EnCase image of computer harddrive, Tom McMahon)	Disclosed.	Rule 16(a)(1)(E)	

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76	Copy of Exhibit Q-144 (EnCase image of computer harddrive, Glen Olson)	Disclosed.	Rule 16(a)(1)(E)	
77	Copy of Exhibit Q-145 (EnCase image of computer harddrive, Scottsdale PD)	Disclosed.	Rule 16(a)(1)(E)	
78	All formal and informal complaints against the Human Resource Department for the City of Scottsdale that were obtained and reviewed by USPS Inspectors	Entire Postal file disclosed to defense. Not in the government's possession. Unknown if this exists.	Rule 16(a)(1)(E)	
79	All depositions obtained by USPS Inspectors from Steve Anderson's reverse discrimination lawsuit against the City of Scottsdale	Entire Postal file disclosed to defense. Not in the government's possession. Unknown if this exists.	Rule 16(a)(1)(E)	
80	Documents and tape recorded interviews obtained by USPS Inspectors from Scottsdale PD Internal Affairs unit re Glen Olson	Entire Postal file disclosed to defense. Not in the government's possession. Unknown if this exists.	Rule 16(a)(1)(E)	
81	Documents and tape recorded interviews obtained by USPS Inspectors from Scottsdale PD Internal Affairs unit re Steve Anderson	Entire Postal file disclosed to defense. Not in the government's possession. Unknown if this exists.	Rule 16(a)(1)(E)	
82	Documents and tape recorded interviews obtained by USPS Inspectors from Scottsdale PD Internal Affairs unit re Tom McMahon	Entire Postal file disclosed to defense. Not in the government's possession. Unknown if this exists.	Rule 16(a)(1)(E)	
83	Report(s) and logs on trash run conducted at Ray Novak residence and seized items	Not in the government's possession. Unknown if this exists.	Rule 16(a)(1)(E)	
84	Transcripts of all video, cassette tapes, DVD's, CD's and wiretap phone calls	Most transcripts have been disclosed. Will complete transcripts by 10/09/10.	(Requested 11/7/09) Rule 16(a)(1)(E)	
85	Evidence, sources and bases for the press statement by ATF SA Tom Mangan in May 2008 of "investigators have found commonalities between the Scottsdale bombing and other bombings throughout the United States and Canada" as per ATF press statement by SA Tom Mangan	Disclosed. There will be no references to other bombings in the government's case. (This was a statement by a public information officer to build potential leads in the case.)	Rule 16(a)(1)(E) and (F)	

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86	Intelligence obtained from the Anti-Defamation League by case agents regarding Dennis Mahon, Daniel Mahon and other persons of interest	Reports or documents do not exist.	Brady	
87	All investigative reports and notes of ATF UCA Michelle Kaufman	Disclosed if exist.	Brady	
88	All investigative reports and notes of ATF UCA Carrie DiPirro	Disclosed if exist.	Brady	
89	All investigative reports and notes of ATF UCA April Howell	Disclosed if exist.	Brady	
90	All investigative reports and notes of ATF UCA Chris Livingstone	Disclosed if exist.	Brady	
91	Report(s) from the Federal Bureau of Investigation's National Center Analysis for Violent Crime regarding their analysis of the bomb note	Does not exist.	Rule 16(a)(1)(F)	
92	All USPS "Reports of Postal Inspectors" for the time period June 2004 through June 2009 (Cf. Bates USPS 103-118)	Entire Postal file disclosed to defense. Not in the government's possession.	Brady	
93	All defendants' statements including jail calls	Disclosed. Defendant may also subpoena all jail calls.	Brady; Rule 16(a)(1)(A) and (B)	
94	USPS Memorandum of Investigation documenting the interview(s) of:	Entire Postal file disclosed to defense. Not in the government's possession. Unknown if this exists.	Brady	
a.	Doug Bartosh	"	"	
b.	Cecil Buckhannon	"	"	
c.	Lupe Gutierrez	"	"	
d.	Elizabeth Johnson	"	"	
e.	Bill Kern	"	"	
f.	Joe Nicholas	"	"	
95	Inspection of bomb site	Govt does not control building, but will set up the inspection.	Rule 16(a)(1)(E) *	

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96	ATF policy on handling informants, sources, etc.	Late request; government will respond at its earliest opportunity.	Rule 16(a)(1)(E)(i)	
97	Any and all OID reports, audits on ATF re informants from 2004 to date.	Will disclose any connected to the informants in this case.	Rule 16(a)(1)(E)(i)	
	* Government has agreed to schedule/disclose; date to be determined.	*Govt asked to remove undisputed items from this list	.	
	** Defense began requesting DNA reports in December 2009			
	*** Government disclosed 12 unlabeled hard drives on June 21, 2009	The Defendant requested these specific hard drives. The government handed the drives to the defense as requested	.	

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